

*** Protecting Rights, Restoring
Respect and Strengthening
Relationships:
A European Model of
Restorative Justice with
Children and Young People**

Tim Chapman
and Maija Gellin



A European Model on Restorative Justice with Children and Young People'

The research was entrusted to two teams of experts:

1st Research team – in charge of the analysis of the European context and national backgrounds

- * **Prof. Dr. Frieder Dünkel**, Criminology Professor, University of Greifswald, President-Elect of the ESC.
- * **Andrea Parosanu**, Legal Expert on Mediation, University of Greifswald, Germany and
- * **Philip Horsfield**, Research Assistant at Department of Criminology, University of Greifswald

2nd Research team- in charge of identifying the features of European best practices and designing a toolkit for their effective implementation

- * **Tim Chapman**, Course Director of the Restorative Practices Masters at Ulster University, Board European Forum For Restorative Justice.
- * **Maija Gellin**, Programme Director of Mediation in Education, Finnish Forum for Mediation
- * **Monique Anderson**, Academic expert in restorative Justice and Victimology, Leuven Institute of Criminology **and Ivo Aersten**, Head of the Leuven Institute of Criminology, Catholic University of Leuven

1. Assessment of Restorative Justice and rigorous selection of effective practices in Europe

Carry out in-depth research for the 28 national snapshots, capturing the situation of restorative justice in each EU Member State

2. Conduct study visits in three EU Member States

Belgium, Northern Ireland and Finland were selected as case studies by reason of their promising practices. The research team conducted field visits, focus group and interviews in all three countries.

3. Development and design of an evidence-based “*European Model for Restorative Justice with Children and Young People.*”

- a. Outline a conceptual and theoretical framework distinctive to the European context
- b. Categorize lessons learned from the three case studies
- c. Identify key features of effectiveness of the policy framework and the restorative processes

4. Consultation with Juvenile Justice Experts

Thematic commission ECJJ meeting RJ experts’ consultation

5. 4th Meeting of the ECJJ, December 2014

The first draft of the EU Model was presented to the Council members and discussed in the course of Assembly session.



EUROPEAN RESEARCH ON
RESTORATIVE JUVENILE JUSTICE

VOLUME I

Research and Selection
of the Most Effective
Juvenile Restorative Justice
Practices in European
Snapshots from 28
Member States



EUROPEAN RESEARCH ON
RESTORATIVE JUVENILE JUSTICE

VOLUME II

Protecting Rights, Restoring Respect
and Strengthening Relationships:
A European Model for Restorative
Justice with Children and
Young People



AN RESEARCH ON
EFFECTIVE JUVENILE JUSTICE

VOLUME III

Handbook
for Professionals:
Implementing a European
Restorative Justice
Approach with
Children and
Young People



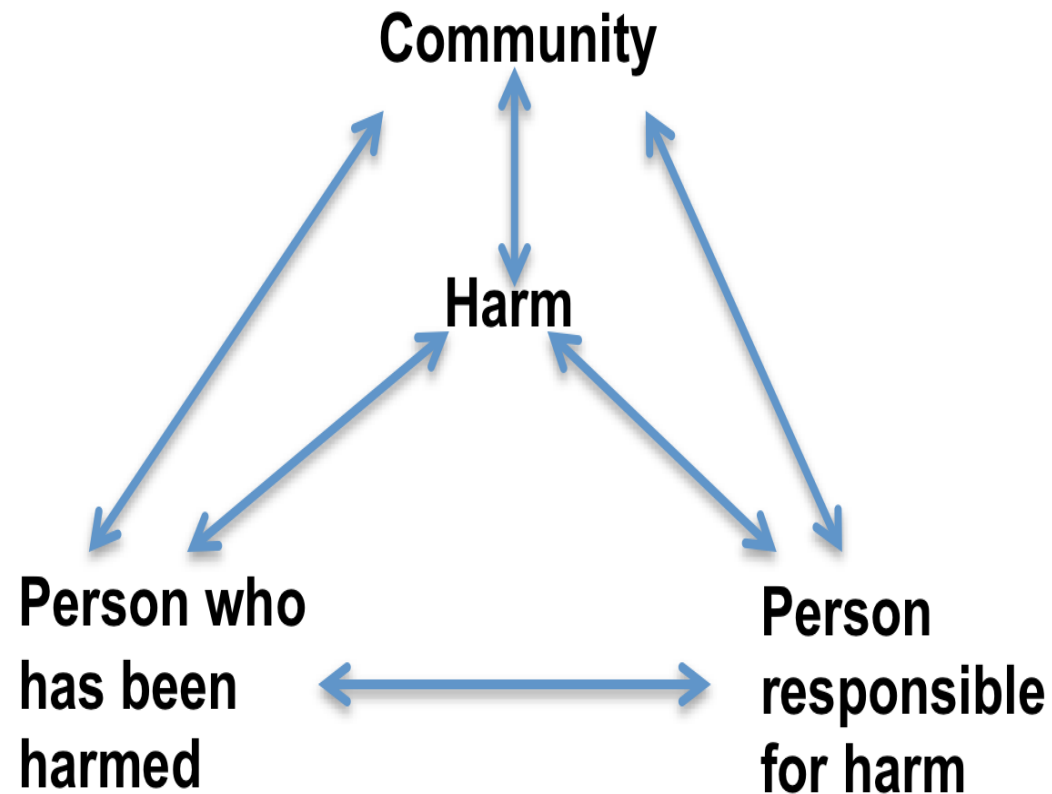
- * Policy context - European Union Directives e.g Agenda for the Rights of the Child, Rights, Support and Protection of Victims,
 - Council of Europe recommendations e.g. Child Friendly Justice
- * Theoretical context
- * Practice context
- * Fit for societies which are modern, democratic, diverse and complex.
- * Support governments, organisations, practitioners, trainers and researchers to develop restorative justice throughout society

* Why a European Model

- * Bourdieu - The 'Field' and 'Capital'
- * Social theory - how do build a society in which individuals can flourish
- * Cultural capital - values: justice, rights, safety, respect, truth.
- * Social capital - parties affected by the harm, their experiences, emotions, needs and wishes, ethics of justice and the ethics of care, social pedagogy, Importance of victims' participation, community

* Theory context

These relationships are illustrated in the diagram of the Balanced Model of Restorative Justice.



- * Arendt - 'irreversibility', promises and forgiveness
- * Restoring the future - 'moving on'
- * Derrida - 'Forgiving the unforgivable' Remorse rather than causes
- * Research into engagement, process and outcomes

*** Intellectual capital**

- * The aim of restorative justice is to restore justice
- * Restorative practices are what the parties do not what the authorities do

* Definitions and distinctions

- * Largely mediation of a high quality in a range of contexts
- * Repair and problem solving rather than reducing offending
- * Fewer restorative conferences
- * Current state of RJ in Europe - positive developments, low up take, lower involvement of victims, lower level of face to face
- * Need for a clear legal mandate, policies for cooperation with systems, strong leadership and management, flexible and robust processes, skilled and committed practitioners.

* Practice context

*** RESTORATIVE APPROACH
AND LEARNING**

IIRP Conference Budapest 10.-12.6.2015

Maija Gellin

Programme Director

Finnish Forum for Mediation

MA in Education, BA in Youth Work,
PhD Student in University of Lapland

Mediator

VERSO
VERTAISOVITTELU

* Children are experts of their lives

With the support of us adults our children can learn to have an active role of their lives.

Our responsibility is:

- to teach our children to use their rights
- to take care for access to an restorative approach at every age

“We have all learned equality, belonging, forgiveness, responsibility and promise keeping”

“We have learned good social skills for our coming marriages.”

(peer mediators 2009)

* Theoretical background (Gellin 2011)

- * Social learning
 - * feeling of capability in group -> self-esteem -> respect for others
- * Co-operative learning
 - * learning together by doing -> maintaining relationships, less discipline
- * Dialogue
 - * shared truth, $1+1=3$ -> everyone has a unique, valuable perspective
- * Concept of restorative

Where to learn: <i>The elements of restorative environment</i>	How to learn: <i>The social elements of restorative learning</i>	What to learn: <i>The results produced by restorative learning</i>
Participation Encounter face to face Cooperation Resolution	Listening Respect Dialogue Interaction and Reflection Understanding Impression of Thoughts, Feelings, Actions, Needs	Empathy Social skills Sense of responsibility Capability Active citizenship

* Restorative learning in restorative process (Gellin M. 2011)



*** Restorative practises,
like mediation, are building
peace**

*“.. so, first mediation makes our school more
peaceful, then our city
more peaceful, and finally
the whole country more peaceful!
It starts like expanding all the time...”*

(peer mediator 2009)

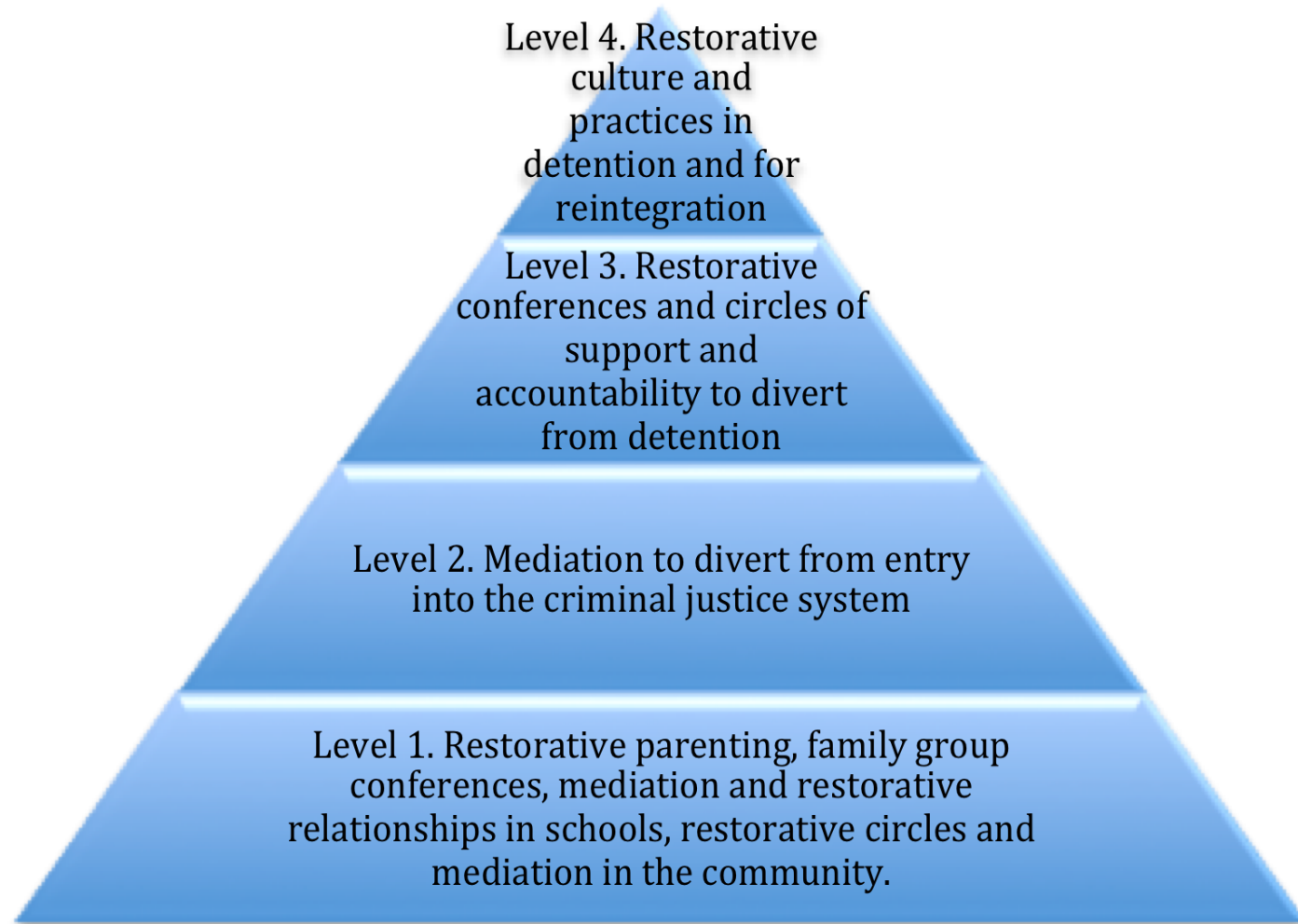
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-> In English

A holistic policy framework



- * **Level 1.** To prevent and contain harmful actions involving children and young people within civil society.
- * **Level 2.** To prevent offending resulting in prosecution.
- * **Level 3.** To use detention only as a last resort.
- * **Level 4.** To make detention more humane and effective in reintegrating young people.

Each level has immediate (to the parties and institutional context), medium term (learning and needs met) and long term outcomes (the quality of society).

* **Policy context**

- * Introduction
- * Child Friendly Justice in the European Policy Framework
- * Conceptual and Theoretical Framework
 - Purpose and premises
 - The field of Restorative Justice
 - Cultural capital
 - Social capital - the needs of the parties affected by harm
 - Intellectual capital - engagement, experience of restorative processes, outcomes, implementation in Europe
- * Lessons learnt from Belgium, Finland and Northern Ireland
- * Policy and legal mandate
- * Organisational arrangements
- * Restorative Processes - purpose, role, engagement, preparation, facilitation - Family

* Contents

* 5. Toolkit for Professionals: Implementing a European Model for Restorative Justice with Children and Young People (Vol III)



TOOLKIT'S STRUCTURE

1. Policy Guidelines

Analyses how legislation; policies on family support; policy on schools; training and overall coordination of the **holistic policy framework** can favour effective implementation of RJ, and how to measure effectiveness.

2. Guidelines for Schools

Tackles the functioning of restorative methods within schools, how the **school administration , children and parents** all can engage in these processes, and how they can be beneficial to learning goals.

3. Guidelines for the Criminal Justice System

Investigates which approach to the integration of **RJ in the criminal justice system** makes it accessible and efficient.

4. Guidelines for Practitioners

Addresses the specific role of the facilitator and it also addresses the specific process of different RJ measures, how and when people interact and with which objective.

5. Checklist for Action

The Toolkit is available in the 5 most spoken European languages, either than English



Spanish

INVESTIGACIÓN EUROPEA
SOBRE JUSTICIA JUVENIL RESTAURATIVA

Guía para profesionales:
Implementación del Modelo
Europeo para la Justicia Restaurativa
con Niños y Jóvenes



German

EUROPÄISCHE FORSCHUNGSARBEIT
ZU RESTORATIVE JUSTICE BEI KINDERN
UND JUGENDLICHEN

Instrumentarium für Fachleute:
Umsetzung eines Europäischen
Modells für Restorative Justice
bei Kindern und Jugendlichen



Polish

EUROPEJSKIE BADANIA NA TEMAT
SPRAWIEDLIWOŚCI NAPRAWCZEJ
WOBEĆ NIELETNICH

Zestaw narzędzi
dla profesjonalistów:
Wdrożenie Europejskiego
modelu sprawiedliwości



Italian

STUDIO EUROPEO
SULLA GIUSTIZIA MINORILE RIPARATIVA


Toolkit per Operatori del Settore:
Applicazione del Modello
Europeo per la Giustizia
Riparativa indirizzata
ai Ragazzi e ai Giovani



French

RECHERCHE EUROPEENNE
SUR LA JUSTICE JUVENILE REPARATRICE

Outils pour Professionnels:
Mise en œuvre d'un Modèle
Européen de Justice Réparatrice
pour les Enfants et les Jeunes



* “Let us try to get them to perceive themselves as resource-people, answering when asked, but not domineering, not in the centre. They might help to stage conflicts, not take them over.”

Nils Christie

* **and the experts?**

People, even more than things, have to be restored, renewed, revived, reclaimed, and redeemed; never throw out anyone.



* 6. Recommendations



- * Legislation and policies should ensure the RJ is **available to all children and young people at all stages** of the criminal procedure .
- * Legislation should mandate the authorities to **use restorative justice as the preferred method** of addressing harm caused by children and young people.
- * The scope should be extended to more serious offences and new contexts, such as detention.
- * Governments commission agencies to deliver these processes to a **high standard.**

* 6. Recommendations



- * Facilitators are offered **high quality training** which enables them to work confidently with a wide range of children and young people in different contexts.
- * Research is undertaken to evaluate the **quality and effectiveness** of restorative justice in different countries and the findings are used to improve the delivery of restorative processes.
- * Generating more information can help develop **bottom up pressure**, and induce policy makers to consider the advantages of a restorative approach.
- * To follow up and implement this **European Model and the accompanying Toolkit** are designed to support governments, officials, managers, practitioners, trainers and researchers in these tasks.